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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,210	03/26/2007	Jason Quayle	DUMME55.008APC	7726

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EXAMINER
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JONES, MARCUS D

ART UNIT	PAPER NUMBER
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3714

NOTIFICATION DATE	DELIVERY MODE
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08/07/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
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<b>Office Action Summary</b>	<b>Application No.</b> 10/583,210	<b>Applicant(s)</b> QUAYLE ET AL.	
	<b>Examiner</b> Marcus D. Jones	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20, 22, 23 and 25-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20, 22, 23 and 25-28 is/are rejected.
- 7) ☒ Claim(s) 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> .                                  | 6) <input type="checkbox"/> Other: _____                          |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :IDS (26 March 2007), IDS (20 March 2008).

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Objections***

1. Claim 23 is objected to because of the following informalities: Claim 23 lacks a status identifier. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 26 depends on claim 21 which has been cancelled. It is the Examiner's belief that the claim was intended to depend on claim 1 and for the remainder of this Office Action will be examined as such. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3714

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**3. Claims 1-20, 22, 23 and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiberio (US 5,611,535), and further in view of Payne et al. (US 6,241,607) and Berman (US PGPub 2008/0045323).**

In reference to claim 1, Tiberio discloses: A gaming machine for the playing of a game of chance wherein an outcome of said game of chance is determined by a predefined one of a plurality of payline patterns of indicia displayed on a display means by a game control module (col 1, ln 30-34); said payline patterns formed of a selection of elements of a matrix of columns and rows and wherein the number of said elements forming any one payline pattern is greater than the number of columns of said matrix (col 2, ln 34-39). Tiberio does not specifically disclose adjacent elements of said matrix staggered in a horizontal direction, and wherein each element of said adjacent elements is bounded by six sides. Berman teaches that each element is bounded by six sides (see Figure 9). Payne teaches staggered horizontal elements (see Figure 6).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the multiple payline game machine of Tiberio with the displays of Payne and Berman to yield the predictable result of a three-dimensional multiple payline slot machine.

In reference to claims 2 and 3, Tiberio, as modified, discloses all the elements of these claims. Tiberio further discloses wherein said columns of said matrix are in the form of simulated reels divided peripherally into a plurality of elements; each said element displaying an indicia and wherein said rows of said matrix are comprised of a number of displayed aligned elements of each of said reels (see Figure 5).

In reference to claim 4, Tiberio, as modified, discloses all the elements of this claim. Berman further teaches a five reel slot machine (see Figure 3).

In reference to claim 5, Tiberio, as modified, discloses all the elements of this claim. Tiberio further discloses wherein said simulated reels are caused to display a spinning motion during a game (col 4, ln 17-18); said reels coming to rest in a randomly selected position under control of said game control module so as to display three elements of each reel (see Figure 5 and col 5, ln 19-21).

In reference to claims 6 and 7, Tiberio, as modified, discloses all the elements of these claims. Tiberio further discloses wherein the number of said elements defining said predefined one of a plurality of payline patterns is one greater than said number of columns and wherein the number of said elements defining said predefined one of said plurality of payline patterns lies in the range of one greater than said number of columns and the total of said elements in said matrix (see Figure 6).

In reference to claim 8, Tiberio, as modified, discloses all the elements of this claim. Tiberio further discloses wherein said plurality of payline patterns is indicated to a player of said gaming machine by representations of said payline patterns on a front panel of said gaming machine (col 4, ln 29-31).

In reference to claims 9 and 10, Tiberio, as modified, discloses all the elements of these claims. Berman further teaches wherein said game control module randomly selects a payline pattern from said plurality of payline patterns; said payline pattern maintained as a winning pattern until matched by a game played on said gaming machine (pg 1, par 6).

In reference to claim 11, Tiberio, as modified, discloses all the elements of this claim. Tiberio further discloses wherein said selected payline pattern is indicated to a player of said game when said reels have come to rest by highlighting said elements corresponding to said selected payline pattern (col 1, ln 37-40).

In reference to claims 12 and 13, Tiberio, as modified, discloses all the elements of these claims. Tiberio further discloses wherein said selected payline pattern is indicated to a player of said game when said reels have come to rest by a projected outline of said elements corresponding to said selected payline pattern and wherein said projected outline is displayed on said display while said reels are spinning (col 1, ln 21-23).

In reference to claim 14, Tiberio, as modified, discloses all the elements of this claim. Tiberio further discloses wherein a player of a game may pre-select a payline

pattern and wherein, if said payline pattern matches a pattern of indicia of said reels when come to rest, said player is awarded a prize (col 1, ln 64-66).

In reference to claims 15 and 18, Tiberio, as modified, discloses all the elements of these claims. Tiberio further discloses wherein said selected payline pattern of elements is arranged so that in one column and one column only, at least two elements of said selected payline pattern have a common edge and wherein said selected payline pattern of elements is arranged so that all of said elements have at least one edge common with another one of said elements (col 2, ln 43-49).

In reference to claims 16 and 17, Tiberio, as modified, discloses all the elements of these claims. Tiberio further discloses wherein said selected payline pattern of elements is arranged so that in one row and one row only, at least two elements of said selected payline pattern have a common edge and wherein said selected payline pattern of elements is arranged so that none of said elements have a common edge (col 1, ln 30-34).

In reference to claims 19 and 20, Tiberio, as modified, discloses all the elements of these claims. Berman further teaches wherein said gaming machine is provided in addition to said display means with a secondary display means; said secondary display means adapted to the playing of a bonus game and wherein at least one bonus game is conferred on a player of said gaming machine in the event of a winning outcome display of a main game on said display means (pg 3, par 33).



In reference to claim 22, Tiberio, as modified, discloses all the elements of this claim. Payne further teaches wherein adjacent elements in a column adjacent a first column are staggered in a vertical direction (see Figure 6).

In reference to claim 23, Tiberio, as modified, discloses all the elements of this claim. Tiberio further discloses wherein said elements are aligned vertically in columns in said matrix (see Figure 5).

In reference to claim 25, Tiberio, as modified, discloses all the elements of this claim. Tiberio further discloses wherein each said elements includes a symbol located within its border (see Abstract).

In reference to claim 26 Tiberio, as modified, discloses all the elements of this claim. Payne further teaches wherein selected sides of adjacent elements are maintained in a parallel, spaced apart relationship (see Figure 1).

In reference to claims 27 and 28, Tiberio, as modified, discloses all the elements of these claims. Berman further teaches a network of gaming machines in a casino (pg 12, par 98). Tiberio further discloses a jackpot award for a selected outcome (col 5, ln 44-45).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached form PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus D. Jones whose telephone number is (571)270-3773. The examiner can normally be reached on M-F 9-5 EST, Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marcus D. Jones/  
Examiner, Art Unit 3714  
/XUAN M. THAI/  
Supervisory Patent Examiner, Art Unit 3714